

/J.P./ 01/23/2009

UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. SIR-MIS-00001-US-CIP[2])

IN THE APPLICATION OF:)	
)	
McSwiggen, James <i>et al.</i>)	
)	
Serial No. 10/693,059)	Examiner: Pitrak, Jennifer S.
)	
Filed: October 23, 2003)	Group Art Unit: 1635
)	
Title RNA Interference Mediated)	Confirmation No.: 1557
Inhibition of Gene Expression)	
Using Chemically Modified Short)	
Interfering Nucleic Acid (siNA))	

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CONSIDERED: /T.V./

Sir:

DECLARATION UNDER 37 C.F.R. 1.132

I, Peter Haeberli, do hereby declare as follows:

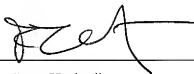
1. I am currently the Managing Assistant Counsel in the Office of General Counsel of Merck & Co., responsible for managing the company's RNA therapeutics patent portfolio. I hold a J.D. from the University of Denver Sturm College of Law, and a B.S. from the University of Colorado. I am a member of the California State Bar, the Colorado State Bar, and the Patent Bar (Registration No. 52,980). Previously, and specifically, between the years of 2001 and 2007, I served as the manager of the intellectual property program at Ribozyme Pharmaceuticals, Inc., a predecessor of Sirna Therapeutics Inc., and subsequently as the Associate Director and Director of Intellectual Property at Sirna Therapeutics Inc., before it became a wholly-owned subsidiary of Merck & Co. in 2007. In those capacities, I prepared and filed multiple patent applications on RNA therapeutics with the Patent and Trademark Office, including the instant patent application USSN 10/693,059, as well as the USSN 10/224,005 ("the '005 application"), published as US 2003/0143732. I am familiar with the subject matter disclosed and claimed in the above-identified patent applications, and the scientific discoveries that had led to the filings of these applications.

2. Based on my knowledge of the subject matter of the claimed invention in the instant application as well as the subject matter of the other applications prepared for and filed by me on behalf of Sima Therapeutics Inc., I conclude that Dr. James McSwiggen is an inventor of the currently claimed invention, which, according to the Examiner, was also disclosed the '005 application.

3. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: September 8, 2008

By:


Peter Haeberli